

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA**

State of Iowa et al.,

Plaintiffs,

vs.

Council on Environmental Quality and  
Brenda Mallory, in her official capacity as  
Chair,

Defendants,

Case No. 1:24-cv-00089

and

Alaska Community Action on Toxics et al.,

Intervenor-Defendants,

and

State of California et al.,

Intervenor-Defendants.

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**ORDER FOR ADDITIONAL BREIFING**

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[¶ 1] THIS MATTER comes before the Court on three Motions for Summary Judgment and one Motion for Partial Summary Judgment. On November 13, 2024 Plaintiffs filed a Motion for Leave to File Notice of Supplemental Authority. Doc. No. 114. The Court granted the Motion. Doc. No. 115. In the Council on Environmental Quality's Response, they request supplemental briefing if the issue is to be raised at oral argument scheduled for November 20, 2024. Doc. No. 116.

[¶ 2] The Court believes the issue of CEQ authority, while not raised in previous pleadings, is an issue the Court cannot disregard. The Court understands the time restriction and the obvious limitations but would request the Parties submit simultaneous supplemental briefing by 8 a.m.

November 20, 2024 on the specific issue of whether CEQ has rulemaking authority from Congress to promulgate judicially enforceable rules.

[¶ 3] **IT IS SO ORDERED.**

DATED November 19, 2024.

A handwritten signature in black ink, appearing to read 'D. Traynor', written over a horizontal line.

Daniel M. Traynor, District Judge  
United States District Court